

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FREE SPEECH COALITION, INC., MG
PREMIUM LTD, MG FREESITES LTD,
WEBGROUP CZECH REPUBLIC, A.S.,
NKL ASSOCIATES, S.R.O., SONESTA
TECHNOLOGIES, S.R.O., SONESTA
MEDIA, S.R.O., YELLOW PRODUCTION
S.R.O., PAPER STREET MEDIA, LLC,
NEPTUNE MEDIA, LLC, JANE DOE,
MEDIAME SRL, MIDUS HOLDINGS, INC.,

Case No.: 1:23-cv-917

Plaintiffs,

vs.

ANGELA COLMENERO, IN HER
OFFICIAL CAPACITY AS INTERIM
ATTORNEY GENERAL FOR THE STATE
OF TEXAS,

Defendant.

**DECLARATION OF DAVID J. LEY, PHD IN SUPPORT OF PLAINTIFFS' MOTION
FOR EXPEDITED PRELIMINARY INJUNCTION**

I, David J. Ley, declare as follows:

1. I provide this declaration in support of the Motion for Expedited Preliminary Injunction brought by Plaintiffs. I am over eighteen years of age, and I have personal knowledge of the matters set forth in this Declaration; if called as a witness I could and would testify competently to these matters.

2. My rate for time spent preparing this declaration is \$450 per hour. My rate for deposition testimony is \$400 per hour, and my rate for trial testimony is \$600 per hour.

3. I am a licensed clinical psychologist, licensed in the state of New Mexico since 2001, and in the state of North Carolina since 2016. My clinical licenses are unrestricted. I am also a Certified Sex Therapist and Supervisor of Sex Therapists, certified since 2016 by the Board of the American Association of Sexuality Educators, Counselors and Therapists. Since 1996, I have worked exclusively in the field of clinical psychology and treating sexuality issues. For the past decade, much of my clinical and research work has focused on the intersection of behavioral and sexual health, notably issues related to pornography use. I've conducted hundreds of trainings around the world, instructing mental health clinicians and the general public on how to ethically and effectively address sexual issues in their lives and treatment. I provide clinical supervision and consultation to sex therapists around the world. I have published three books on these matters, and numerous peer-reviewed research and scholarly articles on issues related to sex and psychology. I am on the editorial board of the Archives of Sexual Behavior, a long-standing research journal dedicated to investigation and treatment of sexuality. I sit on the Advisory Board of the Sexual Health Alliance, a large institution which trains therapists in the practices of sex therapy. I maintain a current, up-to-date awareness of research and clinical literature regarding

pornography and sexual behaviors. My curriculum vitae and a list of cases in which I have testified as an expert at deposition or trial are attached.

4. I have testified in numerous forensic cases regarding psychological matters and involving aspects of sexuality, adult sexual material, alternative sexual practices, mental health and allegations of sexual assault. I have testified and consulted in civil, criminal, and administrative legal cases and have been hired by both plaintiffs and defendants.

5. I provide psychological treatment and clinically supervise treatment at a large behavioral health treatment agency in Albuquerque and Santa Fe, where approximately 3200 individuals receive treatment each year. I have been Executive Director of this clinic since 2004, and have been involved in the development of mental health treatment and policy throughout the state of New Mexico for many years, serving on consulting and advisory boards regarding mental health treatment. I was appointed by the Governor to the New Mexico Board of Psychologist Examiners in 2020, and hold a volunteer faculty appointment in Department of Psychiatry at the UNM Medical School.

6. I have been retained by Quinn Emanuel Urquhart & Sullivan LLP, attorneys for Plaintiffs, to provide my independent professional opinions as a psychological expert in the effects of pornography consumption. While I have been retained by Plaintiffs in this litigation, my opinions in this declaration are based on my professional knowledge and my over 27 years of experience in the fields of clinical psychology and treatment of sexual issues, consistent with my role as an independent, third-party expert. My opinion is based on my education, training, and detailed review of pertinent scientific literature, including the academic studies listed in Appendix A to this declaration.

7. I have reviewed the text of the Act of June 12, 2023, Ch. 676, ¶ 2 (H.B. 1181) Tex.

Sess. Law Serv. (“the Act”), with special attention to the content of the mandated warning labels the legislation requires websites with adult sexual material to post for every viewer. I find that the warning statements mandated by the legislation are inconsistent with, and in several cases, directly contrary to, the current state of the science regarding the effects of consumption of adult sexually explicit material.

8. Based on the last several decades of research, there currently exist no generally accepted, peer-reviewed research studies or scientific evidence which indicate that viewing adult-oriented erotic material causes physical, neurological or psychological damage such as “weakened brain function” or “impaired brain development.” There is also no empirical support that consumption of adult-oriented erotic material causes low self-esteem, poor body image, eating disorders, or other mental illness. In fact, several studies find that pornography viewing and exposure to nude adults is correlated with increased comfort with one’s body image.

9. In contrast to statements made in the Act, strong scientific evidence exists that pornography is more likely used to cope with, rather than cause, emotional disturbance. Current scientific research shows overwhelmingly that high levels of viewing of adult content is an *effect* of certain pre-existing personality, neurological and social characteristics (such as high libido, non-heterosexual orientation, desire discrepancy in intimate relationships, or greater tendency towards sensation-seeking) rather than a *cause*. Most past research has indicated that mental and emotional problems sometimes precede the increased use of pornography, and that pornography is used to cope with these feelings (e.g., Bothe, et al. 2021; Ley, et al. 2014). A very large 2020 study found that many high frequency viewers of pornography demonstrated less obsessive compulsive and depression symptoms and reported higher levels of life satisfaction and well-being (Bothe, et al. 2020).

10. Additionally, the vast majority of scientific studies addressing whether pornography is addictive have found that it is not biologically addictive. Many addiction neuroscientists rely on the scientific definition of addiction offered by Robinson and Berridge (2001). In this model, the behavior begins as an impulsive, pleasure seeking experience and shifts over time to become compulsive, serving only to reduce negative feelings. This addiction results in changes in brain chemistry, function and the organization and formation of synaptic connections in the brain. Unlike substance use disorders, pornography consumption does not cause these same effects on the brain and cannot be accurately or usefully described through the addiction model.

11. No scientific evidence exists which causally demonstrates weakened neurological functioning caused by pornography viewing. Importantly, sexual arousal operates on the same brain circuits as other positive emotions and displays the same effects as other intense, positive emotions such as “joy.” Merely being distracted by sexual images, as is well demonstrated in hundreds of neuroscience studies, is not evidence of any pathological process; it is the emotional brain working as normal. To assert that pornography causes brain damage, weakens brain function, or impedes brain development would require extensive longitudinal research, with complex research design, which to date has not been performed.

12. That the “addiction” framework does not apply to consumption of adult content is borne out by the most influential and widely used publications, standard-setting bodies, and professional clinical associations. The American Psychiatric Association (APA) does not recognize pornography or sexual addiction as a mental health disorder. In the DSM-5-TR, which is the standard manual of classification of mental disorders used by mental health clinicians and physicians in the United States, disorders of gambling, substance use and online gaming are recognized, with applicable criteria. The DSM-5-TR contains a statement explicitly rejecting the

concept of sex addiction as unsupported by sufficient peer-reviewed evidence. (APA, 2022). Similarly, both the American Association of Sexuality Educators, Counselors and Therapists (AASECT) and the Association for the Treatment and Prevention of Sexual Abuse (ATSA), who certify sexuality professionals, have both publicly rejected the concept of pornography addiction based upon inadequate supporting empirical evidence and peer-reviewed research.

13. There is also no scientific, empirical support for the claim that adult consumption of adult sexual explicit material increases the demand for “prostitution,” “child sexual abuse,” or “child pornography.” Sexual violence against children is unrelated to consumption of adult sexually explicit material, but is related to a host of other known personal, psychological, and social factors. To link the viewing of adult sexual material with child abuse is, at best, pseudoscience.

14. In fact, in contrast to claims that pornography increases criminal sexual behavior, numerous research studies since 1991, including a 2020 meta-analysis, which found this concern was not supported, have demonstrated that increased access to pornography does not increase rates of sex crime, and may instead decrease rates of criminal sexual behaviors (Ferguson & Hartley, 2022; Diamond, 2009). According to existing science, viewing adult sexual material does not cause or predict sexual violence, intimate partner violence, or child sexual abuse.

15. In addition, many research studies suggest that language such as that included in the mandatory warnings imposed by the Act is likely to increase feelings of shame and anxiety, promote feelings of loss of self-control and increase emotional distress, up to and including thoughts of suicide (Prause & Binnie, 2023; Chasioti & Binnie, 2021).

16. The Act’s requirement to post information related to the SAMHSA helpline also does not make sense in the context of pornography consumption. SAMHSA is not a relevant

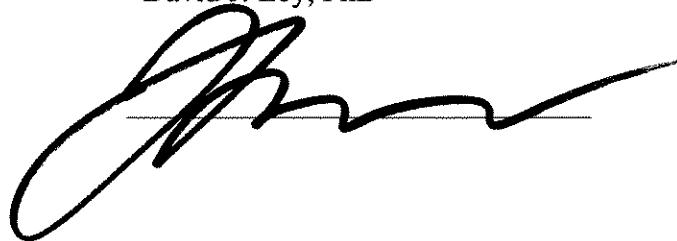
resource on this topic. While I do in fact use SAMHSA information for research and knowledge regarding mental health and substance use disorders and treatment, SAMHSA itself has no public expertise when it comes to pornography or the effects of pornography. The SAMHSA helpline is not marketed or promoted as a support to persons who might self-report as suffering from issues relating to pornography.

17. In sum, I find that the mandated warnings and required language in the Act are a mix of untrue statements, common myths about the effects of pornography, and pseudoscience regarding adult sexually explicit material. The text of these mandated statements does not reflect, and is not supported by, general scientific or clinical consensus regarding the effects of viewing pornography.

I declare under penalty of perjury under the laws of the United States of America that the information contained in this declaration is true and accurate to the best of my knowledge.

Executed this 1st day of August 2023 in Albuquerque, New Mexico.

David J. Ley, PhD

A handwritten signature in black ink, appearing to read "David J. Ley, PhD", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized initial 'D' and 'J'.

Appendix A

Works Used to Inform My Opinions

Böthe B, Vaillancourt-Morel MP, Bergeron S. (2022) Associations Between Pornography Use Frequency, Pornography Use Motivations, and Sexual Wellbeing in Couples. *J Sex Res.* 2022 May;59(4):457-471. doi: 10.1080/00224499.2021.1893261. Epub 2021 Mar 16. PMID: 33724108.

Böthe, B., Tóth-Király, I., Potenza, M. N., Orosz, G., & Demetrovics, Z. (2020). High-frequency pornography use may not always be problematic. *The Journal of Sexual Medicine*, 17(4), 793–811. <https://doi.org/10.1016/j.jsxm.2020.01.007>

Chasioti D, Binnie J. (2021) Exploring the Etiological Pathways of Problematic Pornography Use in NoFap/PornFree Rebooting Communities: A Critical Narrative Analysis of Internet Forum Data. *Arch Sex Behav.* 2021 Jul;50(5):2227-2243. doi: 10.1007/s10508-021-01930-z. Epub 2021 Jun 18. PMID: 34143364; PMCID: PMC8275519.

Cranney S. (2015) Internet Pornography Use and Sexual Body Image in a Dutch Sample. *Int J Sex Health.* 2015;27(3):316-323. doi: 10.1080/19317611.2014.999967. Epub 2015 Feb 12. PMID: 26918066; PMCID: PMC4764134.

Dawson K, Tafro A, Štulhofer A. (2019) Adolescent sexual aggressiveness and pornography use: A longitudinal assessment. *Aggress Behav.* 2019 Nov;45(6):587-597. doi: 10.1002/ab.21854. Epub 2019 Aug 20. PMID: 31432547.

Diamond M, Jozifkova E, Weiss P. (2011) Pornography and sex crimes in the Czech Republic. *Arch Sex Behav.* 2011 Oct;40(5):1037-43; discussion 1045-50. doi: 10.1007/s10508-010-9696-y. Epub 2010 Nov 30. Erratum in: *Arch Sex Behav.* 2011 Dec;40(6):1349. PMID: 21116701.

Diamond M. (2009) Pornography, public acceptance and sex related crime: a review. *Int J Law Psychiatry.* 2009 Sep-Oct;32(5):304-14. doi: 10.1016/j.ijlp.2009.06.004. Epub 2009 Aug 8. Erratum in: *Int J Law Psychiatry.* 2010 May-Jun;33(3):197-9. PMID: 19665229.

Diegmann, A. (2019). The internet effects on sex crime offenses - Evidence from the German broadband internet expansion, *Journal of Economic Behavior & Organization*, Volume 165, Pages 82-99, ISSN 0167-2681, <https://doi.org/10.1016/j.jebo.2019.07.001>

Droubay, B. & White, A. (2023). Sexual orientation, homophobic attitudes and self-perceived pornography addiction. *Sexuality Research and Social Policy.* <https://doi.org/10.1007/s13178-023-00846-8>

Efrati Y, Kolubinski DC, Marino C, Spada MM. (2021) Modelling the Contribution of Metacognitions, Impulsiveness, and Thought Suppression to Behavioural Addictions in Adolescents. *Int J Environ Res Public Health.* 2021 Apr 6;18(7):3820. doi: 10.3390/ijerph18073820. PMID: 33917425; PMCID: PMC8038682.

Ferguson CJ, Hartley RD. (2022) Pornography and Sexual Aggression: Can Meta-Analysis Find a Link? *Trauma Violence Abuse*. 2022 Jan;23(1):278-287. doi: 10.1177/1524838020942754. Epub 2020 Jul 21. PMID: 32691692.

Fernandez DP, Kuss DJ, Justice LV, Fernandez EF, Griffiths MD. (2023) Effects of a 7-Day Pornography Abstinence Period on Withdrawal-Related Symptoms in Regular Pornography Users: A Randomized Controlled Study. *Arch Sex Behav*. May;52(4):1819-1840. doi: 10.1007/s10508-022-02519-w. Epub 2023 Jan 18. PMID: 36652136; PMCID: PMC9847461.

Fisher WA, Kohut T, Di Gioacchino LA, Fedoroff P. (2013) Pornography, sex crime, and paraphilia. *Curr Psychiatry Rep*. 2013 Jun;15(6):362. doi: 10.1007/s11920-013-0362-7. PMID: 23636986.

Fisher WA, Kohut T. (2020) Reading Pornography: Methodological Considerations in Evaluating Pornography Research. *J Sex Med*. 2020 Feb;17(2):195-209. doi: 10.1016/j.jsxm.2019.11.257. Epub 2019 Dec 7. PMID: 31818722.

Gleason N, Jennings T, Rahm-Knigge RL, Nielsen KH, Danielson S, Miner MH, Coleman E. (2023) Confirming and Expanding the Moral Incongruence Model of Compulsive Sexual Behavior. *Arch Sex Behav*. 2023 Jul 5. doi: 10.1007/s10508-023-02638-y. Epub ahead of print. PMID: 37407890.

Griffiths S, Mitchison D, Murray SB, Mond JM. (2018) Pornography use in sexual minority males: Associations with body dissatisfaction, eating disorder symptoms, thoughts about using anabolic steroids and quality of life. *Aust N Z J Psychiatry*. 2018 Apr;52(4):339-348. doi: 10.1177/0004867417728807. Epub 2017 Sep 11. PMID: 28891676.

Grubbs JB, Perry SL, Wilt JA, Reid RC. (2019) Pornography Problems Due to Moral Incongruence: An Integrative Model with a Systematic Review and Meta-Analysis. *Arch Sex Behav*. 2019 Feb;48(2):397-415. doi: 10.1007/s10508-018-1248-x. Epub 2018 Aug 3. PMID: 30076491.

Hatch, S. G., Esplin, C. R., Aaron, S. C., Dowdle, K. K., Fincham, F. D., Hatch, H. D., & Braithwaite, S. R. (2020). Does pornography consumption lead to intimate partner violence perpetration? Little evidence for temporal precedence. *The Canadian Journal of Human Sexuality*, 29(3), 289-296.

Hustad IB, Malmqvist K, Ivanova E, Rück C, Enander J. (2022) Does Size Matter? Genital Self-Image, Genital Size, Pornography Use and Openness Toward Cosmetic Genital Surgery in 3503 Swedish Men and Women. *J Sex Med*. 2022 Sep;19(9):1378-1386. doi: 10.1016/j.jsxm.2022.06.006. Epub 2022 Jul 16.

Kohut T, Baer JL, Watts B. (2016) Is Pornography Really about "Making Hate to Women"? Pornography Users Hold More Gender Egalitarian Attitudes Than Nonusers in a Representative American Sample. *J Sex Res*. 2016;53(1):1-11. doi: 10.1080/00224499.2015.1023427. Epub 2015 Aug 25. PMID: 26305435.

Kohut T, Balzarini RN, Fisher WA, Grubbs JB, Campbell L, Prause N. (2020) Surveying Pornography Use: A Shaky Science Resting on Poor Measurement Foundations. *J Sex Res.* 2020 Jul;57(6):722-742. doi: 10.1080/00224499.2019.1695244. Epub 2019 Dec 10. PMID: 31821049.

Kohut, T., Fisher, W. A., & Campbell, L. (2017). Perceived effects of pornography on the couple relationship: Initial findings of open- ended, participant-informed, “bottom-up” research. *Archives of Sexual Behavior*, 46(2), 585–602. <https://doi.org/10.1007/s10508-016-0783-6>

Kraus SW, Voon V, Potenza MN. (2016) Should compulsive sexual behavior be considered an addiction? *Addiction.* 2016 Dec;111(12):2097-2106. doi: 10.1111/add.13297. Epub 2016 Feb 18. PMID: 26893127; PMCID: PMC4990495.

Kraus, Voon, Potenza (2016). Should compulsive sexual behavior be considered an addiction? Addiction,

Kühn S, Gallinat J. (2011) A quantitative meta-analysis on cue-induced male sexual arousal. *J Sex Med.* 2011;8(8):2269-75. doi:10.1111/

Ley, Prause & Finn (2014) The emperor has no clothes: A review of the “pornography addiction” model. *Current Sexual Health Reports.* DOI 10.1007/s11930-014-0016-8

Malamuth NM, Linz D, Heavey CL, Barnes G, Acker M. (1995) Using the confluence model of sexual aggression to predict men's conflict with women: a 10-year follow-up study. *J Pers Soc Psychol.* 1995 Aug;69(2):353-69. doi: 10.1037/0022-3514.69.2.353. PMID: 7643309.

Mestre-Bach G, Villena-Moya A, Chiclana-Actis C. (2023) Pornography Use and Violence: A Systematic Review of the Last 20 Years. *Trauma Violence Abuse.* 2023 Jun 13:15248380231173619. doi: 10.1177/15248380231173619. Epub ahead of print. PMID: 37309642.

Monto MA, Milrod C. (2014) Ordinary or peculiar men? Comparing the customers of prostitutes with a nationally representative sample of men. *Int J Offender Ther Comp Criminol.* 2014 Jul;58(7):802-20. doi: 10.1177/0306624X13480487. Epub 2013 Mar 22. PMID: 23525181.

Prause N, Janssen E, Georgiadis J, Finn P, Pfaus J. (2017) Data do not support sex as addictive. *Lancet Psychiatry.* 2017 Dec;4(12):899. doi: 10.1016/S2215-0366(17)30441-8. PMID: 29179928.

Reid RC, Carpenter BN, Fong TW. (2011) Neuroscience research fails to support claims that excessive pornography consumption causes brain damage. *Surg Neurol Int.* 2011;2:64. doi: 10.4103/2152-7806.81427. Epub 2011 May 21. PMID: 21697978; PMCID: PMC3115160.

Robinson TE, Berridge KC. Incentive-sensitization and addiction. *Addiction.* 2001 Jan;96(1):103-14. doi: 10.1046/j.1360-0443.2001.9611038.x. PMID: 11177523.

Sharp G, Oates J. (2019) Sociocultural Influences on Men's Penis Size Perceptions and Decisions to Undergo Penile Augmentation: A Qualitative Study. *Aesthet Surg J.* 2019 Oct 15;39(11):1253-1259. doi: 10.1093/asj/sjz154. PMID: 31107944.

Sorice SC, Li AY, Canales FL, Furnas HJ. (2017) Why Women Request Labiaplasty. *Plast Reconstr Surg.* 2017 Apr;139(4):856-863. doi: 10.1097/PRS.0000000000003181. PMID: 28350660.

Sorice-Virk S, Li AY, Canales FL, Furnas HJ. (2020) The Role of Pornography, Physical Symptoms, and Appearance in Labiaplasty Interest. *Aesthet Surg J.* 2020 Jul 13;40(8):876-883. doi: 10.1093/asj/sjz254. PMID: 31556940.

Vaughn R, Steele, Cameron Staley, Timothy Fong & Nicole Prause (2013) Sexual desire, not hypersexuality, is related to neurophysiological responses elicited by sexual images, *Socioaffective Neuroscience & Psychology*, 3:1, DOI: [10.3402/snp.v3i0.20770](https://doi.org/10.3402/snp.v3i0.20770)

Vogels EA. (2019) Loving Oneself: The Associations Among Sexually Explicit Media, Body Image, and Perceived Realism. *J Sex Res.* 2019 Jul-Aug;56(6):778-790. doi: 10.1080/00224499.2018.1475546. Epub 2018 Jun 19. PMID: 29920127.

Yanchen Su, Lijun Zheng & Yong Zheng (2023): Pornography Use and Mental Health Problems in the Chinese Population: Examining the Pornography Problems Due to Moral Incongruence Model, *The Journal of Sex Research*, DOI: [10.1080/00224499.2023.2201255](https://doi.org/10.1080/00224499.2023.2201255)

CURRICULUM VITAE

David J. Ley Jr. Ph.D.
Clinical Psychologist
Certified Sex Therapist & Supervisor of Sex Therapy

(505) 248-2724 (office)
(505) 234-2018 (cell)
davidleyphd@gmail.com

Licensed Clinical Psychologist – New Mexico #0834, July, 2002.

Licensed Psychologist – Nevada #0571 2009 – 2012 (License inactive)

Licensed Psychologist – North Carolina #4960, 2016

Board Certified Sex Therapist – AASECT 2016

Board Certified Sex Therapist Supervisor – AASECT 2017

QPR Master Suicide Prevention Trainer

Member, Board of Directors, Albuquerque Healthcare for the Homeless, FQHC. 2017-
present

Member, Vice president, New Mexico Board of Psychologist Examiners – Appointed in
October 2020 to 3 year term by Governor Michelle Lujan-Grisham.

Member, Editorial board, Archives of Sexual Behavior, Appointed January 2021.

Director, Board of Directors, National Council for Mental Well-Being (formerly National
Council for Behavioral Health). Appointed to three year term, June 2021.

**President, Member, Board of Directors, New Mexico Behavioral Health Provider
Association.** Served on Board since 2004. Multiple terms as President, Vice President,
Secretary.

Member, Advisory Board, Syncronys Health Information Exchange. 2023.

Educational History

Doctor of Philosophy (2001) Clinical Psychology; University of New Mexico

Master's of Science (1997) Psychology; University of New Mexico

Bachelor of Arts (1995), Magna Cum Laude, Majors in Philosophy and Psychology; University
of Mississippi

Current Professional/Clinical Activities

**October 2021 – Co-Director – Certification Program in Treatment of Problem Sexual
Behavior – Sexual Health Alliance.**

**October, 2020 - Volunteer Faculty, University of New Mexico School of Medicine,
Department of Psychiatry and Behavioral Sciences – Forensics psychology postdoctoral
fellowship program.**

**09/2004 – Current. Executive Director, New Mexico Solutions; Vice President, River Valley
Consulting.** Albuquerque, NM; Owensboro, KY.

- Serve as Executive Director of Outpatient Behavioral Health agency, offering Treatment Foster Care, Case Management, Outpatient Therapies, Assertive Community Treatment, Crisis Triage Center and Chemical dependency services to children, families and adults, in 5 locations through Central New Mexico.
- Supervise annual budget (currently \$8M+) development and administration. Approximately quintupled annual revenues over tenure, increasing direct services and reducing direct expenses.
- Grantwriting – Have won numerous RFPs and grant awards, resulting in approximately \$25M in various recurring grant funds.
- Achieved and maintained clinical national accreditation (CARF) for agency services.
- Shifted funding from an exclusively Medicaid-based service structure to a diverse structure serving commercial and public contracts in addition to Medicaid.
- Administratively and clinically supervise staff/providers that includes Treatment Foster Parents, outpatient, home-based and school-based psychotherapists, case managers, psychiatrists, drug and alcohol counselors, activity therapists, serving an open client caseload of 3000+.
- Lead program development locally, expanding outpatient services and increasing community presence. Quadrupled volume of unduplicated consumers served. Diversified services and payment sources.
- Developed and implemented a successful Behavioral Health Crisis Triage Center, with integrated mobile crisis services in Santa Fe, NM.
- Lead contract negotiations and interagency relationships with other providers, advocacy groups and state agencies.
- Provide trainings to staff in multiple states regarding behavioral health issues, suicide assessment, intervention and prevention, and the treatment of sexual offending adolescents.
- Oversaw development and implementation of adult, family and adolescent drug and alcohol treatment program.
- Support implementation of behavioral health and sexual health programs in multiple states, consulting in initial program development and implementation.
- Provide clinical supervision within company/agency.
- Credentialed provider of psychological services, including psychotherapy and psychological assessments, specializing in treatment of sexual health-related issues.
- Conducts psychological evaluations and treatment recommendations regarding sexual behaviors and misbehaviors.
- Carries ongoing clinical caseload of therapy and mental health evaluations, diagnostic consultations.
- Oversee development of clinical services for outpatient psychotherapy, sex offenders, Assertive Community Treatment, autism services, and other programming, in Nevada, North Carolina and Kentucky.

Consultant: Current

- Provide clinical supervision, business, billing and practice management consulting to a wide variety of healthcare providers.
- Provide expert witness testimony on forensic matters related to mental health, sexuality, etc.
- Provide nationwide mental health/sexuality trainings for several national groups.

Professional/Community Organizations, Elected Offices Held

Member, American Psychological Association. Public Education Campaign Coordinator, New Mexico. 2015-2016. Left APA due to ethical concerns with the organization.

Member, New Mexico Psychological Association. 2007 - Present

Member of Board of Directors, President, Vice President, New Mexico Youth Provider Alliance/New Mexico Behavioral Health Provider Association. New Mexico. 2006 – Current.

Board Member/Executive – Mental Health Response Advisory Committee (MHRAC). Member of DOJ-mandated advisory board to Albuquerque Police Department, reviewing and advising on mental health related law enforcement training and policy matters. Since 2015.

Member, Secretary, Board of Directors – Albuquerque Healthcare for the Homeless. Nonprofit federally qualified health center. Since 2016.

Member, Board of Directors, Parents for Behaviorally Different Children. Albuquerque New Mexico. 2006 – 2009.

Committee Member, Value Options National Credentialing Committee. Virginia Beach, VA. 2007 – 2009.

- Voting member, regarding credentialing of behavioral health providers for national panel.

Committee Member, High Desert Family Services Human Rights Committee. Albuquerque, NM. 2007 – Current.

Committee Member, United Behavioral Health Credentialing Committee. 2009 – Current

- Voting member, regarding credentialing of behavioral health providers for national panel.

Past Professional/Clinical Experience

2005 – 2007. Peer Reviewer, New Mexico Medical Review Association. Albuquerque, NM.

- Conduct second-level review of managed care denials and actions.

09/2003 – 09/2004. Manager, Behavioral Health Services, Lovelace Salud Health Plan.

Albuquerque, NM.

- Administrative and clinical direction of the behavioral health services administered for 65,000 Medicaid members throughout New Mexico. Supervise Utilization Management and Care Coordination activities conducted by department staff.
- Departmental leadership, management of budget, personnel direction for department of twenty-five professional and clerical staff.
- Liaison and troubleshooting with representatives of other Managed Care Organizations, as well State and Federal agencies and special interest/advocacy organizations.
- Oversight of internal review practices to ensure quality of services provided by behavioral health practitioners.
- Oversight of reporting to State agencies on Medicaid spending and clinical services provided by Lovelace. Oversight of successful audit presentations to multiple regulatory oversight

agencies.

- Direction of departmental and company plans for transition of behavioral health department to different administrative systems and to provide management to new populations.
- Participate in state-wide groups designing and improving delivery of behavioral health services, both to specific populations and throughout the state. Active participant in Behavioral Health Redesign activities in New Mexico, involving fifteen State agencies and multiple private and public groups.

08/2002 – 12/2003. Private Practice. Private practice consulting in Las Vegas and Albuquerque, NM.

- Psychological Evaluations, including custody disputes, forensic issues and general therapeutic issues.
- Consultation re. program evaluation, including data analysis, research design and interpretation.

08/2002 – 09/2003. CARE Clinical Director. CARE Program. Las Vegas Medical Center, Las Vegas NM.

- Clinical lead for a residential treatment center for juvenile sex-offenders. Responsible for program development, improvement and evaluation. Administrative direction of staff, budget and program.
- Provide clinical supervision for staff and interns.
- Conduct psychological evaluations of juveniles.
- Privileged member of medical staff.
- Supervise communication and contact with behavioral health organizations, regarding payment for services. Oversee treatment plan, liaison with BHO management.
- Monitor and ensure compliance with licensing and certification requirements. Oversight of reporting to State agencies on Medicaid spending and clinical services provided by Lovelace. Oversight of successful audit presentations to multiple regulatory oversight agencies.
- Medical staff member of facility Ethics and Information Management Committees.
- Court testimony regarding treatment program and clients.
- Conduct adult forensic evaluations, as needed, at LVMC-Forensic Division.

10/2001-07/2002. Staff Psychologist. Ft. Bend County Juvenile Probation Department.

- Psychological evaluations of pre-adjudication juveniles.
- Provide formal and informal testimony to juvenile courts regarding psychological evaluations.
- Crisis intervention with juveniles.
- Supervised interns and practicum students.

09/2000-10/2001. Staff Psychologist. Jefferson County State School, Texas Youth Commission.

Clinical duties:

- Perform comprehensive psychological evaluations for placement, referral, and treatment planning.
- Assess and intervene with suicidal youth.
- Crisis intervention for youth.
- Individual and group therapy with treatment-resistant youth.
- Conduct psychological assessments for Academic Review Determinations (ARDs) and make recommendations for school interventions and accommodations.

Supervision and management duties:

- Program development and assessment.
- Department liaison for facility accreditation process.
- Serve as acting director, in the absence of department head.
- Clinical supervision of therapists and service workers.
- Develop staff training on clinical issues involved in working with juvenile delinquents.
- Testify in legal proceedings regarding psychological treatment and evaluation of youth.

8/1999-8/2000. Clinical Psychology Intern. Baylor College of Medicine, Department of Psychiatry and Behavioral Sciences.

- Performed psychological (neuropsychological, personality, cognitive) assessments, on inpatient psychiatric unit, outpatient clinic and as part of the Baylor Adult Clinic for Attention Problems.
- Provided group and individual psychotherapy and psychological evaluations for adult sex-offenders in the Baylor Sex Abuse Treatment Program.
- Conducted child custody evaluations as part of the Baylor Family Law Program.
- Performed comprehensive psychological evaluations of children and adolescents in outpatient, partial hospitalization and school settings.
- Provided interpersonal, family and group psychotherapy with children and adolescents in outpatient and nontraditional settings.
- Treatment team for inpatient adult psychiatric unit.
- Provided group and individual psychotherapy to psychiatry inpatients.
- Member, Psychiatric Consultation and Liaison team to other hospital units.

6/1998-9/1999. ADHD Coordinator. ADHD Assessment Project, University of New Mexico Psychology Clinic. Administration and development of a testing program for ADHD.

- Conducted comprehensive psychological evaluations of children, adolescents, and adults referred for attentional problems.
- Provided feedback on evaluation results to individuals, families and teachers.

2/1998-8/1998. Psychological Evaluator. University of New Mexico Psychology Clinic.

Supervisor: Dr. Matthews.

Conducted psychological evaluations for the Albuquerque Metro Court, and Probation Division.

1/1998-6/1998. Therapy Intern. Albuquerque Police Department Psychology Services.

- Interpersonal therapy with children of police officers, and their parents.
- Assisted in referral of police families and children to community resources.
- Participated in staff reviews of fitness-for-duty and pre-employment evaluations of police officers.

6/1997-9/1998. Practicum Intern. Family Assessment Intervention Resources Program(FAIR) Second Judicial District Court of New Mexico.

- Conducted initial interviews, personality testing and neuropsychological testing of couples court-ordered for domestic-violence and involved in custody disputes.
- Presented summary reports of intake evaluations to staff and provided recommendations for treatment course.
- Co-facilitated treatment groups of male partners of domestically violent couples.
- Provided individual domestic violence counseling.

- Participated as co-evaluator in court-ordered evaluations of competency to stand trial and in custody evaluations.

9/1996-8/1999. Therapist. University of New Mexico Psychology Clinic.

- Conducted interpersonal therapy with adults, adolescents, children and couples.
- Performed initial intake interviews and evaluations of incoming clinic patients, preparing intake summaries and reports.

6/1997-12/1997. Therapist. Cibola County Juvenile Corrections Center. University of New Mexico.

- Conducted interpersonal individual and group therapy with incarcerated male adolescents (14 adolescents between ages of 15 and 19).
- Conducted individual and group drug and alcohol counseling and anger management therapy as well as process-based psychotherapy.

Summer 1996. Psychology Trainee. Albuquerque Veterans Affairs Hospital.

Family Psychology:

- Assessed families, couples and individuals for treatment-oriented recommendations and evaluations.
- Provided psychotherapy to families, couples, and individuals including veterans and their relatives.

Spinal Cord Injury Unit:

- Completed assessments and annual psychological evaluations of spinal cord injured veterans.
- Conducted individual therapy with veterans with spinal cord injuries. Participated in Team Treatment meetings for inpatients.
- Trained on administration of various cognitive and neuropsychological instruments.

1996-1997. Diagnostic Interviewer. University of New Mexico Psychology Department.

- Administered Diagnostic and Statistical Manual-IV Structured Interview (SCID -IV) as part of ongoing clinical research project.

Summer 1994. Extern. Foundation For Families, Counseling and Consultation, Arnold, Maryland.

- Co-therapist for sex-offender treatment program.
- Assessed program methods and goals. Prepared and presented a written analysis subsequently used by program in developing treatment procedures.

Publications

Prause, Pelosi, Ley. (2022). Content analysis of “Dignity” supports “grindstone” as a predatory journal type. Research Evaluation. In review.

Ley, D. (2019). Treating Those Who Struggle with Sexual Desires. In Hertlein, Ed., Systemic Sex Therapy, 3rd Edition. Routledge, in press. <https://doi.org/10.1007/s10508-018-1388-z>

Ley, D. (2019). Commentary: Contextualizing Use of Sexual Media—Just the First Step. Archives of Sexual Behavior, In press.

Ley, D. (2018). The pseudoscience behind public health crisis legislation. [Porn Studies](#). Published online Feb 2018. [10.1080/23268743.2018.1435400](https://doi.org/10.1080/23268743.2018.1435400).

Lehmiller, J., Ley, D. & Savage, D. (2017). The Psychology of Gay Men's Cuckolding Fantasies. [Archives of Sexual Behavior](#), In press.

Willging CE, Harkness A, Israel T, Ley D, Hokanson P, DeMaria M, Joplin A, Smiley V. (2017) Mixed-Method Evaluation of LGBTQ Peer Advocacy Intervention. [Community Mental Health Journal](#), 54(4), 395-409. [10.1007/s10597-017-0168-x](https://doi.org/10.1007/s10597-017-0168-x)

Ley, D. & Grubbs, J. (2017). Commentary - The Sexhavior Cycle: Good Review, but Still Not Enough Data to Support A New Theory. [Archives of Sexual Behavior](#). (In Press)

Ley, D. (2016) Ethical Porn for Dicks: A Man's Guide to Responsible Viewing Pleasure. Three-L Press. Berkeley, CA.

Willging, C., Israel, T., Ley, D., Trott, E., DeMaria, C., Joplin, A., Smiley, V. (2016). Coaching mental health peer advocates for rural LGBTQ people. [Journal of Gay & Lesbian Mental Health](#). [10.1080/19359705.2016.1166469](https://doi.org/10.1080/19359705.2016.1166469).

Ley, D. (2016). "The Use of "Sex Addiction" in U. S. Legal Proceedings." In [Very Different Voices: Perspectives and Case Studies in Treating Sexual Aggression](#). David Prescott & Robin Wilson, Ed. NEARI Press. Holyoke, MA.

Israel, T., Willging, C., & Ley, D. (2016). Development and Evaluation of Training for Rural LGBTQ Mental Health Peer Advocates. [Journal of Rural Mental Health](#). In press.

Ley, D. (2016). "Sex Addiction: An Iatrogenic and Moral Concept." In, The International Handbook of Sexual Addiction, Thaddeus Birchard and Joanna Benfield, Eds. Routledge International. In press.

Ley, D., Brovko, J., Reid, R. (2015) Forensic applications of "sex addiction" in US legal proceedings. [Current Sexual Health Reports](#). DOI: [10.1007/s11930-015-0049-7](https://doi.org/10.1007/s11930-015-0049-7)

Greenfield, B., Owens, M., Ley, D. (2014) Opioid Use in Albuquerque, New Mexico: A Needs Assessment of Recent Changes and Treatment Availability. [Addiction Science & Clinical Practice](#). 2014, 9:10 DOI: [10.1186/1940-0640-9-10](https://doi.org/10.1186/1940-0640-9-10)

Israel, T., Willging, C. E., & Ley, D. J. (2014, August). Development and Evaluation of Training for LGBTQ Mental Health Peer Advocates. Poster accepted for presentation at the American Psychological Association Annual Convention, Washington, DC.

Ley, David, Prause, Nicole, Finn, Peter. (2014) The Emperor Has No Clothes: A Review of the "Pornography Addiction" Model, [Current Sexual Health Reports](#). DOI [10.1007/s11930-014-0016-8](https://doi.org/10.1007/s11930-014-0016-8).

David J. Ley Ph.D. (2014) A Review of "Treating Transgender Children and

Adolescents: An Interdisciplinary Discussion”, Journal of Sex & Marital Therapy, 40:1, 69-70, DOI: 10.1080/0092623X.2013.854548

Ley, David J. (2013) “Sex and Religion in a Three-Dimensional Context.” Sexuality & Culture: 17, Issue 1 (2013), Page 185-188

Semansky, R., Willging, C., Ley, D., Rylko-Bauer, B. (2012) Lost in the Rush to National Reform: Recommendations to Improve Impact on Behavioral Health Providers in Rural Areas. Journal of Health Care for the Poor and Underserved 23 (2012): 842–856.

Ley, David J. (2012) The Myth of Sex Addiction. Rowman & Littlefield. Lanham, MD.

Ley, David J. (2009) Insatiable Wives: Women who stray and the men who love them. Rowman & Littlefield. Lanham, MD.

Ley, David J. & Ruebush, Britton K. (1998) Correlates and Predictors of Broken Appointments at a Family and Child Guidance Center. Psychiatric Outpatient Centers of America (POCA) Press, 25, (1), p. 17-20.

Selected Media Presentations

2009-Present “Women Who Stray Blog.” Psychology Today. Over 15 million readers.
<https://www.psychologytoday.com/us/blog/women-who-stray>

2022. The Wall Street Journal. Startups aim to broaden the market for sexual health devices. Hallie Lieberman. <https://www.wsj.com/articles/startups-aim-to-broaden-the-market-for-sexual-health-devices-11641571215>

2021. CNN. After Billie Eilish talks about porn, experts urge parents and kids to have straight talk about sex. Matt Vilano. <https://www.cnn.com/2021/12/23/health/billie-eilish-porn-sex-education-wellness/index.html>

2021. Dr. Phil Show. <https://www.drphil.com/videos/woman-asked-to-consider-alternate-explanation-for-some-of-her-beliefs-threatens-to-walk-off/>

2021. Santa Fe New Mexican. Santa Fe County opens crisis treatment center at La Sala. https://www.santafenewmexican.com/news/local_news/santa-fe-county-opens-crisis-treatment-facility-at-la-sala/article_e9c8f1ae-ff74-11eb-bed3-9b957b18c872.html?utm_medium=social&utm_source=email&utm_campaign=user-share

2021. Washington Post. <https://www.washingtonpost.com/nation/2021/03/18/sex-addiction-atlanta-shooting-long/>

2019, The Daily Show with Trevor Noah. Why is the Alt-Right So Angry? <https://www.cc.com/video/bgws7v/the-daily-show-with-trevor-noah-why-is-the-alt-right-so-angry>

2019, The Shake-Up. Documentary film. Ben Altenberg, Director.

2019, June. The New York Times. <https://www.nytimes.com/2019/06/07/us/hate-groups-porn-conspiracy.html>

2019, March. Gizmodo. <https://gizmodo.com/the-fake-sex-doctor-who-conned-the-media-into-publicizi-1832711205>

2018, February. The Washington Post. https://www.washingtonpost.com/national/in-utah-the-fight-against-porn-is-increasingly-being-framed-as-a-public-health-crisis/2018/02/17/87bf761e-13ea-11e8-9065-e55346f6de81_story.html?utm_term=.8253803e724d

2017 November – Dr. Oz Show: http://www.doctoroz.com/episode/sex-rehab-therapy-sex-addiction-real-or-pr-stunt?video_id=5648075120001

2017 November The Economist Magazine. Emily Bobrow.
<https://www.1843magazine.com/features/can-you-really-be-addicted-to-sex>

October 2017 – CBC Radio. Bob MacDonald. <http://www.cbc.ca/radio/quirks/october-21-2017-1.4363723/sorry-harvey-weinstein-sex-addiction-isn-t-real-1.4363737>

2017 September – Report from Santa Fe. <http://reportfromsantafe.com/>

2017 February – Addicted to Porn: Chasing the Cardboard Butterfly. Justin Hunt, Director.
<http://www.imdb.com/title/tt5946552/>

2016 Time Magazine. April. Belinda Luscombe <http://time.com/magazine/us/4277492/april-11th-2016-vol-187-no-13-u-s/>

2016 Congressional Quarterly, October. Sarah Glazer: <http://library.cqpress.com/cqresearcher>

2016 The Economist. November. Emily Brobow. <https://www.1843magazine.com/features/whats-wrong-with-infidelity>

2014 NPR, On Point with Tom Ashbrook. <http://onpoint.wbur.org/2014/04/23/life-coaching-therapy-big-business>

2014 CBC, Day 6. <http://www.cbc.ca/day6/blog/2014/03/27/nymphomaniac-is-sex-addiction-real/>

2014 Generation Porn. CBC Radio, Ideas with Paul Kennedy.
<http://www.cbc.ca/ideas/episodes/2014/03/10/generation-porn/>

2014 Porn, Addictive? There's no proof. Tracy Clark Flory. Salon.
http://www.salon.com/2014/02/16/porn_addictive_theres_no_proof/

2014 Why porn addiction isn't drug or alcohol addiction, or even an addiction at all. Chris Weller, Medical Daily. <http://www.medicaldaily.com/why-porn-addiction-isnt-drug-or-alcohol-addiction-or-even-addiction-all-269242>

2014 Is sex addiction a legitimate disorder? Addiction Professional Magazine.
<http://www.addictionpro.com/article/sex-addiction-legitimate-disorder>

2013 SBS Insight. Guest appearance on Australian public television show.
<http://www.sbs.com.au/insight/episode/overview/577/Sex-Addiction>

2009-2013 Dr. Phil Show. Multiple guest appearances as expert on sexuality and sex addiction.

2012 Anderson Cooper Show. <http://www.youtube.com/watch?v=ZgAorrSKZGw>

Selected Invited Presentations and Lectures

November 2020. Forensic Misuse of Sex Addiction Diagnosis and Treatment. University of New Mexico Medical School, Department of Psychiatry. Law and Mental Health Services.

April, 2019. Keynote: Developing Responsible use of Pornography in Adolescents. Continuum Conference, Toronto, CA.

November 12, 2018. Developing Sexual Integrity. The Masculinity Paradox: Sessions with Esther Perel. New York City. <https://events.estherperel.com/sessions-live-2018/>

September 29, 2017. Integrating Porn and Love. Stanford University. World Sexual Health Day.

October 2016. Adult Attachment and Modern Sexual Diversity. NM Psychological Association. Albuquerque NM.

September 2016. Keynote. CatalystCon West. Los Angeles

August 2016. Moving Beyond Sex Addiction. Closing keynote, AASECT Summer Institute. St. Louis MO.

April 2016. Keynote. SSTAR Annual conference. Chicago.

2015 Transitioning to the DSM-5 and ICD-10. A clinical and logistical overview for behavioral health providers. NM Behavioral Health Provider Association.

2014 Role of Pornography in Sexual Relationships and Culture. Southwestern College, Santa Fe, NM. Certificate in sexuality counseling

2014 Guest Lecturer: Harvard University, Human Sexuality

2012 The Impact of the Sex Addiction Industry on Sexual Freedoms. The Center for Sex and Culture, San Francisco, CA.

2012 Addressing the Myth of Sex Addiction in Sexological Services. The Institute for Human Sexuality, San Francisco, CA.

2012 Developing a Peer Advocate Intervention for Rural LGBTQ Populations. Presented at: 2012 Psychosocial Rehabilitation Association of New Mexico Conference; 2012 New Mexico Consumer Wellness Conference

2012 Keynote Presentation: The Myth of Sex Addiction. 5th Annual Alternative Sexualities Conference, Chicago.

2009 Suicide Intervention, Assessment and Triage. Highlands University.

2009 Normative Adolescent Sexuality – 4th Annual Sexual Assault Conference – Farmington, NM

2007 The Out-of-Home Behavioral Healthcare System of New Mexico. New Mexico Association of Social Work Supervisors Fall Conference.

2007 Suicide Intervention, Assessment and Triage. New Mexico Psychological Association. University of New Mexico Clinical Psychology Graduate Program.

2007 Suicide Prevention in a Primary Practice Medical Setting. Sandia Laboratories.

2007 Suicide Prevention in Foster Care. Albuquerque Treatment Foster Care Training Collaborative.

2006 Normative Adolescent Sexuality. New Mexico Youth Provider Alliance/6th Annual Multi-Regions Youth Services Conference.

2006 Child and Adolescent Sexuality in a School Setting. Ralph Bunch Charter School, Albuquerque, NM.

2006 Working with the Wild Child: Dealing with the Difficult Child and Family. American Counseling Association 2006 Conference.

2005 Supporting Parents in Dealing with Adolescent Behavioral Health and Chemical Dependency Issues. New Mexico MESA Inc. Parent Learning Institute.

David J. Ley, Ph.D.

Forensic Experience/Sworn Testimony

April 2022 - T.V. v. State of Washington; No. 21-2-06819-9. Retained by state (defendant) as expert witness regarding psychology of memory and “recovered memories.” Deposed. Case settled during trial prior to my testimony.

September 2020 - USA vs Arthur, NO P-19-CR-774. Retained by defense as expert witness regarding scientific issues related to obscenity and written stories. Trial in January 2021, testimony excluded. 5th Circuit Appeals reversed exclusion.

May 2020 - Colorado v Garcia-Ramires 19CR1792. Retained as defense expert witness regarding sexuality. Qualified as expert witness in sexuality and psychology, with trial testimony provided. Defendants acquitted in jury trial, February 2022.

April 2018 – Fernando L. Frye Hearing – Appellate Division, Fourth Department, Utica NY. Retained as Expert witness on hypersexuality. Testified at trial.

December 2017 – Collette Russell v Nebo School District. 2:16-cv-00273-DS. Retained, deposed as expert on sexual offending. Deposed April 2, 2018. Case was settled without trial in Fall 2019.

July 2015: Cleveland Metro. Bar Assn. v. Sleibi, 144 Ohio St.3d 257, 2015-Ohio-2724. Qualified and testified as expert witness about the diagnosis and treatment of alleged sex addiction.

2002-2003: Served as forensic evaluator in New Mexico Behavioral Health Institute. Conducted forensic evaluations of adults committed to state hospital, testified to competency and treatment response.

2001-2002: Served as forensic evaluator for Fort Bend County Juvenile Probation Department. Conducted and testified to numerous psychological evaluations regarding competency, treatment recommendations, etc., of both adolescents and adults charged with criminal matters in district. Testified as both fact witness, and in some cases, as expert witness.